

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

REGINA EDDY,

Plaintiff,

-against-

GC SERVICES LIMITED PARTNERSHIP,

Defendant.

COMPLAINT 1:15-CV-305[GLS/CFH]

NOW COMES Plaintiff, Regina Eddy ("Plaintiff"), by and through her attorneys, Krohn & Moss, Ltd., for her Complaint against Defendant, GC Services Limited Partnership ("Defendant"), alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

Parties

2. Plaintiff is a natural person residing in Albany, New York.

3. Plaintiff owes or allegedly owes a debt as that term is defined by 15 U.S.C. § 1692a(5) and is a consumer as that term is defined by 15 U.S.C. § 1692a(3).

4. Defendant is a business entity incorporated in Delaware with an office located at 6330 Gulfport St, Houston, Texas 77081.

5. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection and is a debt collector as that term is defined by 15 U.S.C. § 1692a(6).

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d).

8. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) as the acts and transactions giving rise to this action occurred in this district as Plaintiff resides in this district and Defendant transactions business in this district.

Factual Allegations

9. Prior to the filing of this action, an account was placed with Defendant to collect funds from Plaintiff which were alleged to be owed and past due (“debt”).

10. The debt arises from credit card transactions which were for personal, family and household purposes.

11. In connection with the collection of the debt, Defendant places telephone calls to Plaintiff.

12. In January 2015, Defendant placed a telephone call to Plaintiff and left the following message:

Hi Regina Eddy, this is [name inaudible], please give me a call back at 866-749-7274. Thank you.

13. Defendant placed the aforementioned call to try and collect the alleged debt.

14. Defendant did not, through its message, disclose Defendant’s identity.

15. Defendant did not, through its message, state its name.

16. Defendant did not, through its message, state its agents’ duties, role or position.

17. Defendant did not, through its message, state the nature of its business.

18. Defendant did not, through its message, disclose that it was a debt collector.

19. Defendant did not, through its message, disclose that the purpose of its call was to collect a debt.

20. Defendant, through its message, withheld its name to deceive Plaintiff as to Defendant's true identity.

21. Defendant, through its message, withheld the nature of its call to deceive Plaintiff as to Defendant's true purpose to collect funds from Plaintiff.

22. Defendant has left additional, messages for Plaintiff in connection with the collection of the alleged debt which also failed to identify its name or that it was a debt collector.

CLAIM FOR RELIEF
Fair Debt Collection Practices Act

23. Defendant violated the FDCPA based on the following:

- a) Defendant violated § 1692d(6) of the FDCPA by failing to provide Plaintiff with its identity in its messages for Plaintiff; and
- b) Defendant violated § 1692e(11) of the FDCPA by failing to disclose in its messages that it is a debt collector.

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

(1) Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;

(2) Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k, and

(3) Awarding such other and further relief as may be just, proper and equitable.

Dated: March 17, 2015

KROHN & MOSS, LTD.

/s/Adam Hill

Adam T. Hill

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